IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 33160 of 2003(V)

PETITIONER:

SMT.MARGRETT LIZY, LECTURER IN INSTRUMENT TECHNOLOGY, GOVERNMENT POLY TECHNIC, CHERTHALA.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:

1. **THE SENIOR JOINT DIRECTOR, DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR, DIRECTORATE OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM.**
3. **THE PRINCIPAL SECRETARY, HIGH EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
4. **STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 33160/2003 V

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE RECRUITMENT RULES SHOWING THE QUALIFICATION PRESCRIBED FOR HEAD OF SECTION OF THE ELECTRONICS DEPT.

EXT.P2. COPY OF THE PROMOTION ORDER NO. GO RT NO. 1022/2003/H.EDN DT. 18/07/2003 BY THE GOVT.

EXT.P3. COPY OF THE REPRESENTATION DT. 28/1/2003 BY THE PETITIONER BEFORE THE R1.

EXT.P4. COPY OF THE JUDGMENT IN WPC NO. 24161/2003 DT. 30/07/2003 OF THIS COURT.

EXT.P5. COPY OF THE ORDER NO. EG1/26893/03 DT. 1/10/2003 BY THE R2.

EXT.P6. COPY OF THE RANK LIST PUBLISHED BY THE PSC.

EXT.P7. COPY OF THE CERTIFICATE BY THE FACULTY OF ENGINEERING OF THE UNIVERSITY OF CALICUT DT. 2/08/89.

EXT.P8. COPY OF THE ELIGIBILITY CERTIFICATE BY THE DEPUTY REGISTRAR OF CALICUT TO THE PETITIONER DT. 24/6/2006.

EXT.P9. COPY OF THE GOVT. ORDER NO. 16970/L3/H.EDN DT. 09/04/2007.

True copy

tga

KURIAN JOSEPH, J.

W.P. (C). NO. 33160 OF 2003

Dated this the 15th day of June, 2007.

J U D G M E N T

Petitioner is aggrieved by Exhibit P5 communication issued by the Director of Technical Education in the matter of qualification for promotion as Head of Section. Since the communication is by the Director of Technical Education, it is for the petitioner to move the Government.

2. It is submitted that Government has issued order dated 09.04.2007 in the case of one Suresh Babu with the same qualification. If that be so, the petitioner cannot be discriminated. Hence, this writ petition is disposed of as follows.

In the event of the petitioner approaching the 3rd respondent within a period of one month from today, the matter will be duly considered by the 3rd respondent with notice to the petitioner and appropriate orders, in accordance with law, will be passed within another three months, taking note also of the order referred to above.

KURIAN JOSEPH, JUDGE.

smp